

FOR PUBLICATION

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

APPELLATE DIVISION

ELVETH WARNER,)	
)	D.C. CRIM. APP. NO. 93-135
Appellant,)	
)	T.C. CRIM. NO. 290-89
v.)	
)	
GOVERNMENT OF THE VIRGIN ISLANDS))	
)	
Appellee.)	
_____)	

On Appeal from the Territorial Court of the Virgin Islands
Considered: June 15, 1994
Filed: June 16, 1994

BEFORE: **THOMAS K. MOORE**, Chief Judge, District Court of the Virgin Islands; **STANLEY S. BROTMAN**, Senior Judge of the United States District Court for the District of New Jersey, Sitting by Designation; and **MARIA M. CABRET**, Judge of the Territorial Court of the Virgin Islands, St. Croix Division, Virgin Islands, Sitting by Designation.

APPEARANCES:

Augustin Ayala, Esq.
Territorial Public Defender
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St. Thomas, V.I. 00801
Attorney for Appellant

Pamela Lynn Wood, Esq., Asst. Atty. General
V.I. Department of Justice
8050 Kronprindens Gade
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St. Thomas, V.I. 00802
Attorney for Appellee

ORDER OF THE COURT

This matter is before the Court on appeal from the Territorial Court of the Virgin Islands, having been submitted on the parties' briefs without oral argument. Appellant challenges the Territorial Court's sentencing of appellant despite the lengthy delay between acceptance of his guilty plea and sentencing. After due consideration,

IT IS on this 16th day of June, 1994, hereby **ORDERED** that this matter is **DISMISSED** for lack of jurisdiction.¹

FOR THE COURT:

_____/s/_____
THOMAS K. MOORE, CHIEF JUDGE
DISTRICT COURT OF THE VIRGIN ISLANDS

A T T E S T:
ORINN F. ARNOLD
Clerk of the Court

BY: _____
Deputy Clerk

Copies to: Pamela Lynn Wood, Esq., Asst. Atty. General
Augustin Ayala, Esq., Territorial Public
Defender

1. See *Monsanto-Swan v. Government of the Virgin Islands*, VI BBS 92CR211A.DT2 (D.V.I. App. May 2, 1994)(finding that this Court lacked jurisdiction to hear an appeal by a criminal appellant after he has pled guilty).

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Order of Dismissal
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Lori Gilmore, Esq.
C. Francis
Ive A. Swan, Judge of the Territorial Court